

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THOMAS MARTIN BEATTY, JR.,

Defendant.

8:18CR52

PRELIMINARY ORDER OF
FORFEITURE

This matter is before the Court upon the United States' Motion for Preliminary Order of Forfeiture, ECF No. 39. The Court has reviewed the record in this case and, being duly advised in the premises, finds as follows:

1. The Defendant has entered into a Plea Agreement, ECF No. 37, whereby he has agreed to plead guilty to Counts I and IV and agreed to admit to the Forfeiture Allegation of the Indictment. Count I charged the Defendant with mail fraud, a violation of 18 U.S.C. §1341, and Count IV charged the Defendant with Money Laundering; engaging in monetary transactions and property derived from specified unlawful activity, a violation of 18 U.S.C. §1957. The Forfeiture Allegation sought the forfeiture, pursuant to 18 U.S.C. § 982(a)(1), of \$27,072.60 in United States currency and the real property located at 825 North 43rd Street, Omaha, Nebraska 68131, described as: Parcel Number 20164900000, Poppleton Park, Lot 7, Block 2, 50 x 128 situated in Douglas, County, Nebraska on the basis they were involved in offenses traceable to the violations charged in said Indictment. The parties agreed said residence will be vacant by July 23, 2018, and that the property described in the Forfeiture Allegation will be credited towards restitution.

2. By virtue of said plea of guilty, the Defendant forfeits his interest in the subject currency, and the United States is entitled to possession of said currency, pursuant to 21 U.S.C. § 853.

3. The United States' Motion for Preliminary Order of Forfeiture will be granted.

Accordingly,

IT IS ORDERED:

A. The United States' Motion for Preliminary Order of Forfeiture, ECF No. 39, is granted.

B. Based upon the Forfeiture Allegation of the Indictment and the Defendant's pleas of guilty, the United States is hereby authorized to seize the \$27,072.60 in United States currency and the real property located at 825 North 43rd Street, Omaha, Nebraska 68131, described as: Parcel Number 20164900000, Poppleton Park, Lot 7, Block 2, 50 x 128 situated in Douglas, County, Nebraska

C. The \$27,072.60 in United States currency and the real property located at 825 North 43rd Street, Omaha, Nebraska 68131, will be credited towards restitution.

D. The Defendant's interest in the above properties are hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).

E. The aforementioned properties are to be held by the United States in its secure custody and control.

F. Pursuant to 21 U.S.C. § 853(n)(1), the United States forthwith shall publish for at least thirty consecutive days on an official internet government forfeiture site (www.forfeiture.gov) notice of this Order, Notice of Publication evidencing the United

States's intent to dispose of the currency in such manner as the Attorney General may direct, and notice that any person, other than the Defendant, having or claiming a legal interest in any of the subject currency must file a Petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

G. Said published notice shall state the Petition referred to in Paragraph E, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the currency, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject currency and any additional facts supporting the Petitioner's claim and the relief sought.

H. The United States may also, to the extent practicable, provide direct written notice to any person known to have an interest in the currency subject to this Order as a substitute for published notice as to those persons so notified.

I. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n)(1), in which all interests will be addressed.

Dated this 9th day of August, 2018.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge